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10 UNITED STATES BANKRUPTCY COURT
11 WESTERN DISTRICT OF WASHINGTON—TACOMA DIVISION

12 IN RE:

13 MULENGA SABBATH MAKUNGU AKA
14 SABBATH MAKUNGU AND GLADYS
15 NANJEKE KALIMUKWA,

16 Debtors.

Case No.: 19-43928-BDL

Chapter 13

OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN

17 Secured Creditor Toyota Motor Credit Corporati on (“Creditor”), respec tfully submits its
18
19 Objection to Confirmation of Chapter 13 Plan (“Plan”), of Debtors Mulenga Sabbath Makungu
20 aka Sabbath Makungu and Gladys Nanjeke Kalimukwa (“Debtors”).

21 I. Statement of Facts.

- 22 1. On December 10, 2019, Debtors filed a voluntary Chapter 13 petition.
23
24 2. Michael G. Malaier is the duly qualified and acting Chapter 13 Trustee.
25
26 3. On or about April 5, 2015, Debtor Mulenga Makungu and Michelle L. Makungu
27 (“Borrower”), for valuable consideration, made, executed, and delivered to Creditor a written
28 Retail Installment Sale Contract (“Note”), for the finance and purchase of a 2015 Toyota
29 Highlander, Vehicle Identification Number 5TDJKRFH4FS138033 (“Vehicle”).
30
31 4. The total amount due and owing under the Note as of December 10, 2019, is
32 approximately \$15,101.68.

1 5. The fair market value of the Vehicle is approximately \$24,017.33.

2 6. On December 10, 2019, Debtors filed their proposed Chapter 13 Plan. Pursuant
3 to Debtors' proposed Chapter 13 Plan, Debtors propose to value the Vehicle at only \$13,000.00
4 and to pay Creditor interest of only 6.00%.

5
6 II. Undervaluing of Vehicle and Interest Rate.

7 7. In their proposed Chapter 13 Plan, Debtors propose to value the Vehicle at only
8 \$13,000.00 and to pay Creditor interest of only 6.00%.

9 8. The fair market value of the Vehicle is approximately \$24,017.33.

10 9. The total amount due and owing under the Note as of December 10, 2019, is
11 approximately \$15,101.68.

12 10. Per *In re Till*, Creditor is entitled to interest at the rate of prime plus 2 to 3%.
13 Creditor requests an interest rate of at least 6.75%.

14 11. Debtors should be required to provide for payment of Creditor's full claim with
15 interest of at least 6.75%.

16
17
18 WHEREFORE, based upon the foregoing, Creditor respectfully requests that:

- 19
20 1. Confirmation of Debtors' proposed Chapter 13 Plan be denied; or
21 2. The case be dismissed; and
22 3. Such further relief as the Court deems just and proper.

23
24 Dated: January 27, 2020

Respectfully submitted,

25
26
27 Jason

/s/Jason C. Tatman
C. Tatman, Esq.
Attorney for Secured Creditor
Toyota Motor Credit Corporation

NADA Used Cars/Trucks

NADA User Car Guide assumes no responsibility or liability for any errors or omissions or any revisions or additions made by anyone on this report.



Licensed to J.D. Power

Period: December 10, 2019

Region: Washington

VIN: [REDACTED]

Ref. Number: [REDACTED]

2015 Toyota Highlander Utility 4D XLE 4WD 3.5L V6

Mileage: 67,500

Adjustment: \$0

Base MSRP: \$37,700

Weight: 4,464

NADA Used Cars/Trucks Values

	Base	Mileage Adj.	Option Adj.	Adjusted Value
Low Auction*	\$16,550	\$39	N/A	\$16,589
Average Auction*	\$18,675	\$39	N/A	\$18,714
High Auction*	\$20,800	\$39	N/A	\$20,839
Rough Trade-In	\$17,875	N/A	N/A	\$17,875
Average Trade-In	\$19,250	N/A	N/A	\$19,250
Clean Trade-In	\$20,375	N/A	N/A	\$20,375
Clean Loan	\$18,350	N/A	N/A	\$18,350
Clean Retail	\$23,300	N/A	N/A	\$23,300

* The auction values displayed include typical equipment and adjustments for mileage and any of the following applicable accessories: engine size; drivetrain, and trim.

Vehicle Information

	Trade-In / Loan	Retail
<input type="checkbox"/> Towing/Camper Pkg	\$300	\$325
<input type="checkbox"/> Certified Used	N/A	\$1,400
<input type="checkbox"/> Rear Entertainment System	\$475	\$525
<input type="checkbox"/> Fixed Running Boards	\$50	\$50
<input type="checkbox"/> Luggage Rack	\$50	\$50
<input type="checkbox"/> Rear Bucket Seats	\$150	\$175
<input type="checkbox"/> Remote Engine Starter	\$100	\$125

1 **CERTIFICATE OF SERVICE**

2 I am employed in the county of San Diego, California. My business address is 5677
3 Oberlin Drive, Suite 210, San Diego, CA 92121. I am over the age of eighteen years and not a
4 party to this action.

5 On January 27, 2020, I served the Objection to Chapter 13 Plan on the interested parties
6 in this action by placing a true and correct copy thereof enclosed in a sealed envelope with
7 postage thereon fully prepaid in the United States mail at Encinitas, CA, as follows:

8 (X) (BY REGULAR MAIL) I caused such envelope(s) with postage thereon fully
9 prepaid to be placed in the United States mail at Encinitas, CA. I am “readily familiar” with this
10 firm’s practice of collection and processing of correspondence for mailing. It is deposited in the
11 U.S. Postal Service on that same day in the ordinary course of business. I am aware that on
12 motion of the party served, service is presumed invalid if the cancellation date or the postage
13 meter date is more than 1 day after date of deposit for mailing affidavit.

14 (X) (FEDERAL) I declare under penalty of perjury under the laws of the United States of
15 America that the above is true and correct.

16 Executed on January 27, 2020, at Encinitas, CA.

17
18 Darren

/s/ Darren J. Devlin
J. Devlin, Esq.

19 Mulenga Sabbath Makungu and Gladys Nanjeke Kalimukwa, 3253 Destination Ave. E, Fife,
20 WA 98424

21 Ellen Ann Brown, Esq., *via ecf only*

22 Michael G. Malaier, *via ecf only*
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